

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-211602

DATE: May 31, 1983

MATTER OF: Amcor, Inc.

## DIGEST:

Protest against solicitation provision is untimely when not filed until after closing date for receipt of initial proposals.

Amcor, Inc. protests the award of a contract under request for proposals (RFP) No. F09650-82-R0385, issued by the Department of the Air Force for janitorial services. Amcor complains about the solicitation provision concerning the Government's right to deduct from the contractor's payments in the case of defective performance.

Section 21.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. part 21 (1983), provides that a protest based upon an alleged impropriety in an RFP that is apparent prior to the closing date for receipt of initial proposals must be filed before that date. It is apparent from Amcor's correspondence that it did not protest prior to the closing date for receipt of proposals; therefore, the protest is untimely and will not be considered on the merits.

The protest is dismissed.

*Jr* *F. A. Rausley*  
Harry R. Van Cleve  
Acting General Counsel

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